

Committee Room,  
Austin, Texas, January 29, 1937.  
Hon. R. W. Calvert, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 245, A bill to be entitled  
"An Act to declare a closed season on  
the killing of deer and turkey in  
Throckmorton and Shackelford Coun-  
ties for a period ending February 1st,  
1941; prescribing a penalty therefor,  
and declaring an emergency."

Has carefully compared same and  
finds it correctly engrossed.

BRIDGERS, Chairman.

### THIRTEENTH DAY

(Tuesday, February 2, 1937)

The House met at 10:00 o'clock a.  
m., pursuant to adjournment, and  
was called to order by Speaker Calvert.

The roll of the House was called,  
and the following Members were  
present:

Mr. Speaker	England
Adkins	Farmer
Alexander	Felty
Alsup	Fielden
Amos	Fox
Baker	Graves
Bates	Hamilton
Beckworth	Hankamer
Bell	Hanna
Blankenship	Harbin
Boethel	Hardin
Bond	Harper
Boyer	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Harris of Dickens
Bridgers	Hartzog
Broadfoot	Heflin
Brown	Herzik
Burton	Holland
Callan	Hoskins
Carssow	Huddleston
Cathey	Hull
Celaya	Hyder
Cleveland	Jackson
Colquitt	James
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Johnson
Davison of Fisher	of Tarrant
Davisson	Jones of Angelina
of Eastland	Jones of Atascosa
Dean	Jones of Falls
Derden	Jones of Wise
Dickison	Keith
Dollins	Kelt

Kenyon	Ragsdale
Kern	Reader
King	Reed of Bowie
Knetsch	Reed of Dallas
Langdon	Rhodes
Lankford	Riddle
Lanning	Roark
Leath	Ross
Leonard	Russell
Loggins	Rutta
London	Settle
Lucas	Sewell
Mann	Sharpe
Mauritz	Shell
Mays	Simpson
McConnell	Skaggs
McCracken	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McKee	Smith of Tarrant
McKinney	Stevenson
Metcalf	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Thornberry
Nicholson	Thornton
Oliver	Vale
Palmer	Waggoner
Patterson of Mills	Walker
Patterson	Weldon
of Travis	Winfree
Petsch	Wood
Pope	Worley
Prescott	

### Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

A quorum was announced present.

Rev. George W. Coltrin, Chaplain,  
offered prayer.

### LEAVES OF ABSENCE GRANTED

The following Members were  
granted leaves of absence on account  
of illness:

Mr. Keefe for today, on motion of  
Mr. Jones of Wise.

Mr. Cagle for today, on motion of  
Mr. Derden.

Mr. Tennyson for today, on motion  
of Mr. Smith of Hopkins.

Mr. Howard for today, on motion of  
Mr. Davisson of Eastland.

Mr. Powell for today, on motion of Mr. Waggoner.

Mr. Leyendecker for today, on motion of Mr. Vale.

Mr. Harrell for today, on motion of Mr. Sharpe.

Mr. Little for today, on motion of Mr. Boyer.

Mr. Quinn for today, on motion of Mr. Harris of Archer.

Mr. Gibson for today, on motion of Mr. Tennant.

Mr. Smith of Tarrant for today, on motion of Mr. Amos.

Mr. Deglandon for today, on motion of Mr. Callan.

Mr. Schuenemann for today, on motion of Mr. Shell.

Mr. Westbrook for today, on motion of Mr. Oliver.

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Heflin, Mr. Morse, Mr. Monkhouse, Mr. Thornton, Mr. Bates and Mr. Hanna:

H. B. No. 382, A bill to be entitled "An Act amending Acts, 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, Section 10, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Reed of Bowie:

H. B. No. 383, A bill to be entitled "An Act to require the licensing of all dogs in the State over six months of age and to further require that no license shall be issued until a certificate of a physician or licensed veterinarian shall be furnished the proper authorities showing that the dog to be licensed has been vaccinated with anti-rabies serum within thirty days of the date of application; requiring the issuance and use of metal tags; providing that licenses and tags shall be issued by the County Clerk of each county; providing for the manufacture of the metal tags by the Texas Prison System which shall be furnished to the counties for a certain price; fixing fees to be paid; providing a penalty, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Reed of Bowie:

H. B. No. 384, A bill to be entitled "An Act amending Section 6, Subsection 'b' of Senate Bill No. 5, Acts, Second Called Session, Forty-fourth Legislature, amending Section 19, Subsection 'f', Section 19, Subsection 'i', Section 19, Subsection 'k', thereof, so as to prohibit Commissioners' Court of any county in this State from transferring funds from the general fund of the county to the Officers' Salary Fund; amending Sections 13 and 15 of Senate Bill No. 5, Acts, Second Called Session, Forty-fourth Legislature, to provide the method of compensation of county officials in all counties of this State."

Referred to the Committee on Counties.

By Mr. Thornberry and Mr. Patterson of Travis:

H. B. No. 385, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

Referred to The Committee on Judiciary.

By Mr. Hoskins, Mr. Cleveland and Mr. Knetsch:

H. B. No. 386, A bill to be entitled "An Act amending Chapter 410, Acts of the First Called Session of the Forty-fourth Legislature of the State of Texas, by adding a new section to be known as Section 3, so as to provide that for a period of twenty years, or such portion of such period as may be required, and upon the contingency of a loan and/or grant or allotment from the United States of America, or any agency thereof, or any other source, for the purpose of improving, developing and controlling the flood waters of the Guadalupe and/or Blanco Rivers, there is donated certain of the State ad valorem taxes collected for general revenue purposes upon the property and from persons in

the counties within the bounds of said Guadalupe-Blanco River Authority, including the rolling stock belonging to railroad companies for a period of twenty years, or for such portion of such period as may be required; setting forth the conditions upon which such grant shall become effective, the duties of the Comptroller and collecting officers in respect to such taxes; the duties of the Board of Directors and other officers of the Guadalupe-Blanco River Authority in respect thereto; requiring a bond of the District Treasurer and for the payment of the premium therefor; providing for the issuance of bonds by said Authority and the pledging of revenue in payment thereof, and of the payment of excess revenues; providing for the collection, handlings, crediting and disbursement of such funds; declaring that the provisions of this Act shall be severable, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Graves and Mr. Davis of Haskell:

H. B. No. 387, A bill to be entitled "An Act requiring all ginnerers in this State to attach to every bale of cotton ginned by such ginner a metal tag showing where ginned and the serial number of such bale, to keep records of same; providing a penalty for failure to do so, and for removing same; exempting compresses from punishment for removing such tag, and declaring an emergency."

Referred to the Committee on Agriculture.

By Mr. Amos, Mr. Broadfoot, Mr. Johnson of Tarrant, Mr. Brown and Mr. Heflin:

H. B. No. 388, A bill to be entitled "An Act to amend Article 4736, Revised Civil Statutes of Texas, 1925, providing in all cases where a loss occurs and the life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company, or casualty insurance company, or health insurance company, or mutual assessment accident company, or mutual insurance company, or mutual life insurance company, or fraternal benefit society, or fire insurance company, or marine insurance company, or fire and marine insurance company, or lightning, hail and storm,

lightning and storm, or mutual lightning, hail and storm insurance company, or burglary, robbery, theft, or burglary and theft, robbery and theft, burglary and robbery, or burglary, robbery and theft insurance company, liable therefor shall fail to pay such insurance within thirty days after demand therefor, such company shall be liable to pay the beneficiary of such policy, in addition to the amount of loss, twelve per cent damages on the amount of such loss, together with reasonable attorney fees, for the prosecution and collection of such loss; and providing that such attorney fees shall be taxed as a part of the costs in the case; and the Court in fixing such fees shall take into consideration all benefits to the insured incident to the prosecution of the suit, accrued and to accrue on account of such policy; repealing all laws and parts of laws in conflict herewith; providing that if any Article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or void, such decision shall not affect the remaining portions of this Act, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Amos:

H. B. No. 389, A bill to be entitled "An Act amending Title 14, Chapter 5 of the Revised Criminal Statutes of the State of Texas of 1925, as amended by Acts of the Regular Sessions of the Forty-first and Forty-second Legislatures of the State of Texas by adding the following new Article, numbered as follows: Article 1037b, to regulate the packing and marking of packages and containers; requiring the net quantity of contents of such packages and containers to be plainly and conspicuously marked on the outside of package or container; providing for certain variations in weight; prohibiting deceptive pack; defining certain terms; providing penalties for the enforcement of the Act, and declaring an emergency."

Referred to the Committee on Commerce and Manufactures.

By Mr. Leath:

H. B. No. 390, A bill to be entitled "An Act validating and legalizing bonds issued by counties for the construction of roads within such counties and the levy of taxes for payment of such county bonds; authorizing the

assessment and collection of general ad valorem taxes in all such counties for the payment of such county bonds now outstanding or hereafter issued, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McConnell:

H. B. No. 391, A bill to be entitled "An Act to protect laboring people from being defrauded out of their wages and earnings by defunct, insolvent and irresponsible oil, gas, mining and contracting persons, firms or corporations; and providing that any person, firm or corporation engaging in, following, or pursuing the business, occupation or profession of prospecting, drilling or mining for oil, gas, sulphur, water, stone or other minerals; or contracts to remodel, repair, improve, erect or construct any building, structure, construction, pipe line, water line, gas line, electric line or to dig any ditches and works as many as three or more people simultaneously, shall file a bond in the office of the County Clerk, of the county where the principal part of such labor is to be performed and approved by the County Judge of said County, in an amount not less than twice the total sum of wages that may accrue and be due to all the employees of such person, firm or corporation within a period of five months; and prescribing what persons shall and shall not be required to file such bond: providing that nothing in this Act shall prevent a person from receiving property, or an interest in property, as a part payment for such labor; prescribing venue for suits on said bond and further providing that this Act shall be cumulative of all other Acts and prescribing the penalties for failure herein, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Jones of Falls and Mr. Holland:

H. B. No. 392, A bill to be entitled "An Act amending Article 1436, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Boethel:

H. B. No. 393, A bill to be entitled "An Act providing that on and after June 1, 1937, certain institutions of

higher education in Texas, which are supported in whole or in part by funds appropriated by the Legislature of the State of Texas, shall offer instruction and research in graduate work and defining the terms 'graduate work' and 'state institutions of higher education of senior rank', and limiting the course of instruction that shall be offered in all other state institutions of higher education in Texas of the senior rank to four years standard college work."

Referred to the Committee on Education.

By Mr. Davis of Jasper:

H. B. No. 394, A bill to be entitled "An Act amending Section 2, House Bill No. 327, Chapter 350, General Laws of the Forty-fourth Legislature, Regular Session, as amended by Senate Bill No. 58, Chapter 421, of the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Metcalfe:

H. B. No. 395, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8 of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34 of the Special Laws of the Acts of the Regular Session of the Forty-fourth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the

counties named so as to include in said Article the County of Irion, and declaring an emergency."

Referred to the Committee on Livestock and Stock Raising.

By Mr. McCracken:

H. B. No. 396, A bill to be entitled "An Act providing that any person, firm, corporation or association or persons engaged in the business of pawn broking or buying and selling second-hand merchandise shall file a report on the first and fifteenth day of each month in the office of the County Clerk of the County in which such business is located; defining the terms 'pawn broker' and 'second-hand dealer' as used in this Act; prescribing the information to be contained in such reports; prescribing the penalty for the violation of the provisions of this Act, and declaring an emergency."

Referred to the Committee on Judiciary.

#### HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Smith of Tarrant, Mr. Smith of Hopkins, Mr. Mays, Mr. Riddle, Mr. Hull, Mr. Davis of Haskell, Mr. Newton, Mr. Celaya, Mr. Knetsch, Mr. Amos and Mr. Ragsdale:

H. J. R. No. 32, A joint resolution proposing an amendment to Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Assistance not to exceed Fifteen (\$15.00) Dollars per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five (65) years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State-supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance; levying a two per cent (2%) occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities, including the gross receipts of places of

amusement; creating a special Old Age Pension and/or Assistance Fund or Funds and providing that same shall never be diverted; providing that said Fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication, and election.

Referred to the Committee on Constitutional Amendments.

#### ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills as follows:

Mr. Jackson, House Bill No. 10.

Mr. Harper, House Bill No. 37.

Mr. Johnson of Ellis, House Bill No. 328.

#### RELATIVE TO HOUSE BILL NO. 2

By unanimous consent of the House, Mr. Callan was authorized to withdraw his name from House Bill No. 2, as co-author of same.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 54, "An Act making an appropriation for the payment of the increase in salaries of the several constitutional officers of the State of Texas as authorized by constitutional amendment, voted November 3, 1936; fixing the salaries and providing method of payment of these salaries; supplementing the original appropriation made by the Forty-fourth Legislature for the payment of salaries to these officials, and declaring an emergency."

S. B. No. 101, "An Act amending Article 1041, Title 15, Code of Criminal Procedure, revision of 1925, and declaring an emergency."

#### BILL RE-REFERRED

On motion of Mr. Roark, House Bill No. 274 was withdrawn from the Committee on Common Carriers and referred to the Committee on Labor.

### TO GRANT PERMISSION TO SUE THE STATE

Mr. Stinson offered the following resolution:

H. C. R. No. 16, To grant Uvalde Construction Company permission to sue the State.

Whereas, On the 26th., day of May, 1934, the State of Texas, acting through the State Highway Commission, entered into contract with the Uvalde Construction Company, a private corporation organized under the laws of Texas and domiciled in Dallas County, Texas, to construct a concrete bridge across the Guadalupe River in Comal County, Texas, at the point State Highway No. 81 crosses said river, and to do and perform excavation and other work specified in said contract; and

Whereas, On or about the 3rd day of July, 1935, the State Highway Commission executed and delivered its final estimate showing the amount fixed by the State Highway Commission to be due said Uvalde Construction Company; and

Whereas, Said Uvalde Construction Company claims that it was required by the Resident Engineer to do and perform various and sundry things without compensation in connection with the work not contemplated by a fair, reasonable and just interpretation of the contract, and that said Engineer did not make fair and just measurements and allowances for work performed as said contract contemplated should and would be done, and for which no allowance was made in said final estimate and for which no payment has been made, thereby imposing a substantial financial loss upon said Uvalde Construction Company; and

Whereas, Penalties were assessed and withheld by said Highway Commission for delay, which delay said Uvalde Construction Company claims was caused by acts and failures to act on the part of the Resident Engineer, and but for which such delay and penalties would not have been incurred; and

Whereas, The State Highway Commission and the Uvalde Construction Company have been unable to agree on said points in controversy; and

Whereas, Said Uvalde Construction Company desires to bring suit in a District Court of Travis County, Texas,

against the State Highway Commission and the State of Texas, to determine by final judgment the validity of said claims; and

Whereas, The Legislature of the State of Texas does not admit that said Uvalde Construction Company has a valid or just claim against either or both the State Highway Commission and the State of Texas, but does desire that no citizen of this State nor of any other state who may have a valid or just claim against either or both the State of Texas and the State Highway Commission be deprived of opportunity to establish and to enforce such claim against the State or any Department thereof by reason of any legal inhibition; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That:

Section 1. Uvalde Construction Company, a private corporation organized under the laws of the State of Texas and domiciled in Dallas County, Texas, is hereby given and granted consent and permission to file suit against the Highway Commission of the State of Texas as such Commission and the State of Texas, or against either, in any District Court of Travis County, Texas, having jurisdiction of the subject-matter, and to therein prosecute to final judgment the validity and justness of its claims founded upon the required performance by it of said contract.

Section 2. That the State of Texas and said Highway Commission, in case a judgment be obtained in said suit by said Uvalde Construction Company, may appeal from said judgment, as provided by law for other parties, and the State and said Highway Commission shall not be required to execute any bond, and if a final judgment be recovered against the State of Texas or said State Highway Commission, or against both of them, the same shall be paid in full out of the State Highway funds.

Section 3. Service in said cause shall be had by citing the Governor, the Chairman of the Highway Commission or the Attorney General of the State of Texas, and said service of citation shall have the same force and effect as provided by law for service in civil cases.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

RELATIVE TO THE DISTRIBUTION  
OF NATURAL GAS

Mr. Jones of Falls offered the following resolution:

H. C. R. No. 17, Concerning distribution of natural gas.

Whereas, A number of gas explosions have occurred in homes within the State of Texas within the past year, resulting in numerous injuries and several deaths; and

Whereas, It has been shown in other parts of the country that this hazard can be minimized by the use of malodorants, whereby escaping gas is more quickly detected; and

Whereas, Within the past two years there have come into common use individual house and mercantile gas systems utilizing liquified petroleum gases consisting principally of Butane Gas, which is odorless, colorless and tasteless, thus introducing a new hazard to life and property and particularly in our rural districts; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That since this is a matter of regulation by the Railroad Commission of the State of Texas, that they be requested to promulgate and enforce an order making compulsory the use of malodorant substances in all natural gas distribution systems and in all individual unit systems utilizing liquified petroleum gases; and, be it further

Resolved, That in the interest of safety of the citizens of this State that a copy of this resolution be forwarded to each member of the Railroad Commission of Texas for their immediate consideration and action.

JONES of Falls,  
DOLLINS.

The resolution was read second time, and was adopted.

MOTION TO PRINT CERTAIN  
DOCUMENT

On motion of Mr. Hanna, certain communication from Freeman W. Burford of Dallas, Texas, was ordered read to the House.

Pending the reading of the document, Mr. Alsup moved that the document be printed in the Journal, and that further reading of same be dispensed with.

The motion was lost.

CONCERNING CONSIDERATION  
OF MEASURES IN REGARD  
TO REVENUE FOR OLD  
AGE ASSISTANCE

The Speaker laid before the House, for consideration at this time, resolution offered by Mr. James, on yesterday, relative to the consideration of certain measures, designed to raise revenue for the support of old age pensions.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Mr. Hankamer raised the point of order, on further consideration of the resolution, on the ground that the resolution is in effect a violation of the Rules, in that it attempts to postpone indefinitely bills not before the House for consideration, and that the matter of taking up bills out of their regular order, is provided for in the Rules.

Mr. Hartzog offered the following amendment to the resolution:

Amend the resolution by changing the word "first" in line one of the resolving clause to "early".

The amendment was adopted.

Mr. James offered the following amendment to the resolution:

Amend last resolving clause by striking out the word "should" in line 3 and inserting in lieu thereof the words "ought to".

JAMES,  
HARTZOG.

The amendment was adopted.

The Speaker overruled the points of order raised by Mr. Hankamer.

Mr. Jones of Wise raised a point of order, on further consideration of the second resolving clause of the resolution, on the ground that same is indefinite.

The Speaker overruled the point of order.

Mr. Fox moved to table the resolution.

Mr. Jones of Wise called for a division of the questions as set out in the resolving clauses of the resolution.

Question recurring on the motion to table the first resolving clause of the resolution, which clause relates to designating the most important reve-

nue problem, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—38

Alexander	Jones of Wise
Bell	Keith
Blankenship	Kelt
Bond	McDonald
Bradford	McFarland
Bridgers	Metcalfe
Burton	Morris
Celaya	Morse
Colquitt	Nicholson
Davison of Fisher	Patterson
Dean	of Travis
Felty	Ragsdale
Fox	Riddle
Graves	Roark
Hankamer	Stinson
Hanna	Thornberry
Harper	Thornton
Harris of Archer	Waggoner
Hoskins	Walker
Jackson	

## Nays—80

Adkins	Jones of Falls
Amos	Kern
Baker	King
Beckworth	Knetsch
Boethel	Langdon
Boyer	Lankford
Bradbury	Lanning
Brown	Leath
Callan	Loggins
Carssow	London
Cathey	Lucas
Davis of Haskell	Mann
Davis of Jasper	Mays
Davison	McConnell
of Eastland	McKee
Derden	Moffett
Dickison	Monkhouse
Dollins	Newton
Farmer	Oliver
Fielden	Palmer
Hamilton	Patterson of Mills
Harbin	Petsch
Hardin	Prescott
Harris of Dallas	Reader
Harris of Dickens	Reed of Bowie
Herzik	Reed of Dallas
Holland	Rhodes
Huddleston	Ross
Hull	Russell
Hyder	Rutta
James	Sewell
Johnson of Ellis	Sharpe
Johnson	Shell
of Tarrant	Simpson
Jones of Angelina	Skaggs
Jones of Atascosa	Smith of Hopkins

Stevenson  
Stocks  
Talbert  
Tarwater  
Tennant

Vale  
Weldon  
Winfree  
Wood  
Worley

## Present—Not Voting

Heflin

## Absent

Alsup	Mauritz
Bates	McCracken
Broadfoot	McKinney
Cleveland	Pope
England	Settle
Hartzog	Smith
Kenyon	of Matagorda
Leonard	Smith of Tarrant

## Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

Question then recurring on the first resolving clause of the resolution, it was adopted.

Question next recurring on the motion to table the second resolving clause of the resolution, which clause relates to measures raising revenue for the support of old age pensions, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—44

Alexander	Jackson
Bates	Jones of Angelina
Bell	Jones of Wise
Blankenship	Keith
Boethel	Kelt
Bond	Knetsch
Bradford	McDonald
Bridgers	McFarland
Burton	Metcalfe
Carssow	Morris
Celaya	Morse
Colquitt	Nicholson
Davison of Fisher	Patterson
Felty	of Travis
Fox	Petsch
Graves	Ragsdale
Hankamer	Riddle
Hanna	Roark
Harper	Stinson
Harris of Archer	Thornberry
Hartzog	Thornton
Heflin	Walker
Hoskins	



## Nays—78

Adkins	Leath
Alsup	Loggins
Amos	London
Baker	Lucas
Beckworth	Mann
Boyer	Mays
Bradbury	McConnell
Brown	McKee
Callan	Moffett
Cathey	Monkhouse
Cleveland	Newton
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Davisson	Patterson of Mills
of Eastland	Prescott
Derden	Reader
Dickison	Reed of Bowie
Dollins	Reed of Dallas
Farmer	Rhodes
Fielden	Ross
Hamilton	Russell
Harbin	Rutta
Hardin	Sewell
Harris of Dallas	Sharpe
Harris of Dickens	Shell
Herzik	Simpson
Holland	Skaggs
Huddleston	Smith of Hopkins
Hull	Smith of Tarrant
Hyder	Stevenson
James	Stocks
Johnson of Ellis	Talbert
Johnson	Tarwater
of Tarrant	Tennant
Jones of Atascosa	Vale
Kern	Waggoner
King	Weldon
Langdon	Winfree
Lankford	Wood
Lanning	Worley

## Absent

Broadfoot	McCracken
Dean	McKinney
England	Pope
Jones of Falls	Settle
Kenyon	Smith
Leonard	of Matagorda
Mauritz	

## Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

The second resolving clause of the resolution was then adopted.

Question then recurring on the motion to table the third resolving clause

of the resolution, which clause relates to allocating certain revenue raised for the support of old age pensions, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—34

Alexander	Jackson
Bates	Keith
Bell	Kelt
Blankenship	Knetsch
Bond	McDonald
Bradford	McFarland
Bridgers	McKee
Burton	Metcalfe
Colquitt	Morris
Davison of Fisher	Morse
Felty	Patterson
Fox	of Travis
Graves	Ragsdale
Hankamer	Riddle
Hanna	Stinson
Harper	Thornton
Harris of Archer	Walker
Hartzog	

## Nays—85

Adkins	Johnson
Alsup	of Tarrant
Amos	Jones of Angelina
Baker	Jones of Atascosa
Beckworth	Jones of Falls
Boethel	Jones of Wise
Boyer	Kern
Bradbury	King
Brown	Langdon
Callan	Lankford
Carssow	Lanning
Cathey	Leath
Cleveland	Loggins
Davis of Haskell	London
Davis of Jasper	Lucas
Davisson	Mann
of Eastland	Mays
Derden	McConnell
Dickison	Moffett
Dollins	Monkhouse
Farmer	Newton
Fielden	Oliver
Hamilton	Palmer
Harbin	Patterson of Mills
Hardin	Petsch
Harris of Dallas	Prescott
Harris of Dickens	Reader
Heflin	Reed of Bowie
Herzik	Reed of Dallas
Holland	Rhodes
Huddleston	Roark
Hull	Ross
Hyder	Russell
James	Rutta
Johnson of Ellis	Sewell

Sharpe	Tennant
Simpson	Thornberry
Skaggs	Vale
Smith of Hopkins	Waggoner
Smith of Tarrant	Weldon
Stevenson	Winfree
Stocks	Wood
Talbert	Worley
Tarwater	
Absent	
Broadfoot	McCracken
Celaya	McKinney
Dean	Nicholson
England	Pope
Hoskins	Settle
Kenyon	Shell
Leonard	Smith
Mauritz	of Matagorda

## Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

The third resolving clause of the resolution was then adopted.

Question recurring on the adoption of the resolution, in its entirety, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—82

Adkins	Harris of Dallas
Alsup	Harris of Dickens
Amos	Heflin
Baker	Herzik
Beckworth	Holland
Boethel	Huddleston
Boyer	Hull
Bradbury	Hyder
Bradford	James
Brown	Johnson of Ellis
Callan	Johnson
Carssow	of Tarrant
Cathey	Jones of Angelina
Cleveland	Jones of Atascosa
Davis of Haskell	Kern
Davis of Jasper	King
Davisson	Langdon
of Eastland	Lankford
Derden	Lanning
Dickison	Leath
Dollins	Loggins
Farmer	London
Fielden	Lucas
Hamilton	Mann
Harbin	Mays
Hardin	McConnell

Moffett	Sharpe
Monkhouse	Simpson
Newton	Skaggs
Oliver	Smith of Hopkins
Palmer	Smith of Tarrant
Fatterson of Mills	Stevenson
Petsch	Stocks
Prescott	Talbert
Reader	Tarwater
Reed of Bowie	Tennant
Reed of Dallas	Vale
Rhodes	Waggoner
Riddle	Weldon
Ross	Winfree
Russell	Wood
Rutta	Worley
Sewell	

## Nays—38

Alexander	Jackson
Bates	Jones of Falls
Bell	Jones of Wise
Blankenship	Keith
Bond	Kelt
Bridgers	Knetsch
Burton	McDonald
Celaya	McFarland
Colquitt	Metcalfe
Davison of Fisher	Morris
Dean	Morse
Felty	Patterson
Fox	of Travis
Graves	Ragsdale
Hankamer	Roark
Hanna	Stinson
Harper	Thornberry
Harris of Archer	Thornton
Hartzog	Walker
Hoskins	

## Absent

Broadfoot	McKinney
England	Nicholson
Kenyon	Pope
Leonard	Settle
Mauritz	Shell
McCracken	Smith
McKee	of Matagorda

## Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

Mr. James moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, February 2, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 18, Authorizing the Enrolling Clerk of the Senate to make certain correction in Senate Bill 101.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

## HOUSE BILL NO. 158 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1927, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

The bill was read third time.

Mr. Stinson moved that House Bill No. 158 be re-committed to the Committee on State Affairs.

Mr. Jones of Atascosa moved to table the motion by Mr. Stinson.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—57

Alexander	London
Alsup	Lucas
Baker	Mann
Beckworth	Mauritz
Bell	Mays
Boethel	McKinney
Bradford	Moffett
Callan	Morse
Carssow	Newton
Cleveland	Oliver
Davisson	Palmer
of Eastland	Petsch
Dean	Prescott
Derden	Ragsdale
Hamilton	Reader
Harbin	Russell
Hardin	Rutta
Harris of Archer	Sewell
Hartzog	Sharpe
Heflin	Simpson
Herzik	Skaggs
Huddleston	Smith
Johnson of Ellis	of Matagorda
Jones of Angelina	Stevenson
Jones of Atascosa	Tarwater
Kenyon	Thornton
Kern	Waggoner
King	Walker
Lanning	Winfree
Leath	

## Nays—62

Adkins	Hyder
Amos	Jackson
Bates	James
Blankenship	Johnson
Bond	of Tarrant
Boyer	Jones of Falls
Bradbury	Jones of Wise
Bridgers	Keith
Brown	Kelt
Burton	Langdon
Cathey	Lankford
Colquitt	Loggins
Davis of Haskell	McConnell
Dickison	McCracken
Dollins	McDonald
Farmer	McFarland
Felty	McKee
Fielden	Metcalfe
Graves	Monkhouse
Hankamer	Morris
Hanna	Nicholson
Harper	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Holland	Reed of Bowie
Hull	Reed of Dallas

Roark	Talbert
Ross	Tennant
Shell	Thornberry
Smith of Tarrant	Weldon
Stinson	Wood
Stocks	Worley

## Absent

Broadfoot	Leonard
Celaya	Pope
Davis of Jasper	Rhodes
Davison of Fisher	Riddle
England	Settle
Fox	Smith of Hopkins
Hoskins	Vale
Knetsch	

## Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

Mr. Tarwater raised a point of order, on further consideration of the motion to recommit House Bill No. 158, on the ground that the motion violates Section 10 of Rule XIX of the House Rules.

The Speaker overruled the point of order.

Question—Shall House Bill No. 158 be recommitted to the Committee on State Affairs?

## ADDRESS BY HON. ROBERT VALDEZ

Mr. Jones of Falls offered the following resolution:

Whereas, The City of Austin is honored today by the presence of the Honorable Robert Valdez, New Mexico State Corporation Commissioner, who is now at the Capitol; now, therefore, be it

Resolved, That the House of Representatives invite the distinguished gentleman from our sister State to address the House at eleven fifty o'clock.

JONES of Falls,  
CELAYA,  
ADKINS,  
DOLLINS,  
McCRACKEN,  
VALE.

The resolution was read second time.

Mr. Alsop raised a point of order, on further consideration of the resolu-

tion, on the ground that the resolution violates Section 6 of Rule XXIX of the House Rules.

The Speaker sustained the point of order.

On motion of Mr. Jones of Falls, Section 6 of Rule XXIX of the House Rules, was suspended, at this time, for the purpose of considering the above resolution.

Question then recurring on the resolution, it was adopted.

The Speaker announced the appointment of the following committee to escort Honorable Robert Valdez to the Speaker's stand: Mr. Adkins, Mr. Jones of Falls, Mr. McCracken, Mr. Dollins, Mr. Celaya, Mr. Vale and Mr. Felty.

In accordance with the above action, the Honorable Robert Valdez was escorted to the Speaker's stand by Honorable Fred Felty of Bexar County, Honorable O. A. McCracken of Bexar County, Honorable Raglin Jones of Falls County, Honorable John Dollins of McLennan County, Honorable Arnold J. Vale of Starr County and Honorable W. H. Adkins of San Saba County.

Speaker Calvert presented Honorable Fred Felty, who in turn introduced Honorable Robert Valdez.

Mr. Valdez then addressed the House.

## AUTHORIZING CERTAIN CORRECTION IN SENATE BILL NO. 101

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 18, Authorizing certain correction in Senate Bill No. 101.

Whereas, Through a typographical error the word and figure "Article 1401" instead of "Article 1041" was used in Senate Bill No. 101, which bill applies only to Harris County; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Enrolling Clerk of the Senate be authorized and directed to correct such typographical error.

The resolution was read second time, and was adopted.

## ADJOURNMENT

Mr. Bond moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Wood moved that the House recess to 2:00 o'clock p. m., today.

Question first recurring on the motion by Mr. Bond, it prevailed, and the House, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution as follows:

Appropriations: House Bill No. 343.

Game and Fisheries: House Bills Nos. 33, 88, 89, 232 and 358.

Judiciary: House Bills Nos. 10, 18 and 96.

Labor: House Bills Nos. 329, 330, 331 and 352.

State Affairs: House Concurrent Resolution No. 15.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 1, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1927, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law

for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 2, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 17, Proposing the use of malodorants in gas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### FOURTEENTH DAY

(Wednesday, February 3, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Davisson
Adkins	of Eastland
Alexander	Dean
Alsup	Derden
Amos	Dickison
Baker	Dollins
Bates	England
Beckworth	Farmer
Bell	Felty
Blankenship	Fielden
Boethel	Fox
Bond	Gibson
Boyer	Hamilton
Bradford	Hankamer
Bradbury	Hanna
Bridgers	Harbin
Broadfoot	Hardin
Brown	Harper
Burton	Harris of Archer
Callan	Harris of Dallas
Carssow	Harris of Dickens
Cathey	Hartzog
Celaya	Heflin
Cleveland	Herzik
Colquitt	Holland
Davis of Haskell	Hoskins
Davis of Jasper	Huddleston
Davison of Fisher	Hull